

Reply to Office Action dated November 13, 2007

**REMARKS**

Claims 26-29, 31-32, 34-38, 41-47 and 49 are pending in this application. By this Amendment, claims 26, 31, 35-37, 47 and 49 are amended and claims 33 and 48 are canceled without prejudice or disclaimer. Various amendments are made for clarity and are unrelated to issues of patentability.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for appeal, should an appeal be necessary. More specifically, features of dependent claim 33 are incorporated into independent claim 26. Other amendments are merely for clarity. No new issues are raised. Entry is thus proper under 37 C.F.R. §1.116.

The Office Action rejects claims 26-29, 31-38, 41-42 and 47-49 under 35 U.S.C. §102(e) by U.S. Patent Publication 2003/0143977 to Mittal et al. (hereafter Mittal). The Office Action also rejects claims 43-46 under 35 U.S.C. §103(a) over Mittal in view of U.S. Patent Publication 2004/0203615 to Qu et al. (hereafter Qu). The rejections are respectfully traversed with respect to the pending claims.

Independent claim 26 recites generating information related to at least one parameter for the performance upgrading within the receiving terminal, wherein the information is included in a short message service (SMS) message of a messaging service for the receiving terminal. Independent claim 26 also recites transmitting the SMS message, including the information, using the messaging service to the receiving terminal. Still further, independent claim 26 recites

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upgrading performance of the receiving terminal by changing at least one parameter stored within the receiving terminal based on the SMS message transmitted to the receiving terminal, wherein the information within the SMS message includes a value used for certifying the performance upgrading within the receiving terminal, and the at least one parameter is changed when the value included in the information is identical to a previously stored value within the receiving terminal or a value inputted by a user of the receiving terminal.

The applied references do not teach or suggest at least these features of independent claim 26. More specifically, Mittal does not teach or suggest that information (related to at least one parameter for the performance upgrading within the receiving terminal) is included in an SMS message of a messaging service. Rather, Mittal discloses that a data message may be communicated to a mobile station to initiate a terminal management session. See paragraph [0024]. Subsequent to the initiation of the terminal management session, Mittal discloses that data may be provided to the mobile station. See paragraph [0047]. FIG. 3 also shows that downloading of content to the mobile station after the initialization of the terminal management session. See paragraph [0050]. Accordingly, Mittal does not suggest information (related to at least one parameter for performance upgrading) is included in a SMS message, as recited in independent claim 26. The alleged SMS message in Mittal's paragraph [0045] does not suggest include the information related to at least one parameter for performance upgrading.

Mittal does not teach or suggest transmitting the SMS message including the information using the messaging service. The Office Action's citation to Mittal's paragraphs [0008] and

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[0024] do not suggest the claimed SMS message including the information (related to at least one parameter).

Still further, Mittal does not teach or suggest upgrading performance of a receiving terminal by changing at least one parameter stored within the receiving terminal based on the SMS message. Mittal's paragraphs [0008] and [0024] do not suggest the claimed upgrading by changing at least one parameter stored within the receiving terminal based on the SMS message.

For at least the reasons set forth above, Mittal does not teach or suggest all the features of independent claim 26. Qu does not teach or suggest the features of independent claim 26 missing from Mittal. Thus, independent claim 26 defines patentable subject matter.

Independent claim 36 recites receiving a message of a messaging service via a network, wherein the message of the messaging service includes information related to at least one parameter for the performance upgrading of the receiving terminal. Independent claim 36 also recites comparing a password within the received message with a previously stored value in a memory of the receiving terminal. Still further, independent claim 36 recites storing the received message and changing the at least one parameter within the receiving terminal based on the received information within the message. Independent claim 36 also recites upgrading a performance of the receiving terminal based on the changed at least one parameter stored within the receiving terminal, wherein the upgrading is performed only when the password within the received message is identical to the previously stored value in the memory.

For at least similar reasons as set forth below, the applied references do not teach or suggest at least the features of independent claim 36. More specifically, Mittal does not teach or

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suggest storing the received message and changing the at least one parameter within the receiving terminal based on the received information within the message. Mittal does not suggest to change a parameter based on received information within the message. Mittal also does not teach or suggest upgrading a performance of the receiving terminal based on the changed at least one parameter stored within the received terminal. Qu does not teach or suggest the missing features of independent claim 36. Thus, independent claim 36 defines patentable subject matter.

Independent claim 47 recites comparing a password within the received message with a value input by a user of the receiving terminal, storing the received message and changing the at least one parameter within the receiving terminal based on the received information within the message, and upgrading a performance of the receiving terminal based on the changed at least one parameter stored within the receiving terminal, wherein the upgrading is performed only when the password is identical to the value input by the user of the receiving terminal.

For at least similar reasons set forth above, the applied references do not teach or suggest at least these features of independent claim 47. Qu does not teach or suggest the missing features of independent claim 47. Thus, independent claim 47 defines patentable subject matter.

Independent claim 49 recites receiving a message from a network, wherein the message includes a key value of a mobile telecommunication terminal and a new performance controlling parameter of the mobile telecommunication terminal to be changed, wherein the key value is used to certify a sender of the message. Independent claim 49 also recites storing the key value and the new performance controlling parameter in a memory of the mobile telecommunication terminal, and replacing a previously stored performance controlling parameter of the mobile

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telecommunication terminal with the new performance controlling parameter of the mobile telecommunication terminal only when the stored key value corresponds to a previously input password. Still further, independent claim 49 also recites controlling a performance of the mobile telecommunication terminal based on the new performance controlling parameter stored in the memory.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 49. Mittal does not suggest receiving a message that includes a key value and a new performance controlling parameter. Mittal also does not teach or suggest replacing a previously stored performance controlling parameter of the mobile telecommunication terminal with the new performance controlling parameter of the mobile telecommunication terminal. Qu does not teach or suggest the features of independent claim 1 missing from Mittal. Thus, independent claim 49 defines patentable subject matter.

Accordingly, each of independent claims 26, 36, 47 and 49 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 26-29, 31-38, 41-47 and 49 are earnestly solicited. If the Examiner believes that any additional changes would place the

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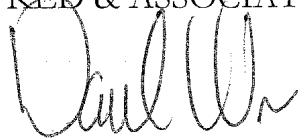
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application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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**Date: February 12, 2008**

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